


O

**FILED**

**AUG - 9 2011**

CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION AT SANTA ANA  
BY  DEPUTY

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF  
AMERICA,

Plaintiff,

vs.

PAUL MELENDEZ,

Defendant.

Case No. SA CR 11-133-JVS-6

**ORDER OF DETENTION**

**I**

- A. ☐ On motion of the Government in a case allegedly involving:
1. ☐ a crime of violence.
  2. ☐ an offense with maximum sentence of life imprisonment or death.
  3. ☒ a narcotics or controlled substance offense with maximum sentence of ten or more years.
  4. ☐ any felony - where defendant convicted of two or more prior offenses described above.
  5. ☐ any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive

1 device or any other dangerous weapon, or a failure to register under 18  
2 U.S.C. § 2250.

3 B. ☐ On motion by the Government/ ☐ on Court's own motion, in a  
4 case allegedly involving:

5 1. ☐ a serious risk that the defendant will flee.

6 2. ☐ a serious risk that the defendant will:

7 a. ☐ obstruct or attempt to obstruct justice.

8 b. ☐ threaten, injure or intimidate a prospective witness  
9 or juror, or attempt to do so.

10 C. The Government (X) is/ ☐ is not entitled to a rebuttable presumption  
11 that no condition or combination of conditions will reasonably assure the  
12 defendant's appearance as required and the safety or any person or the  
13 community.

## 14 II

15 A. ☐ The Court finds that no condition or combination of conditions  
16 will reasonably assure:  
17

18 1. ☐ the appearance of the defendant as required.

19 ☐ and/or

20 2. ☐ the safety of any person or the community.

21 B. (X) The Court finds that the defendant has not rebutted by sufficient  
22 evidence to the contrary the presumption provided by statute.  
23

## 24 III

25 The Court has considered:

26 A. the nature and circumstances of the offense(s) charged, including  
27 whether the offense is a crime of violence, a Federal crime of terrorism, or  
28 involves a minor victim or a controlled substance, firearm, explosive, or

1 destructive device;

2 B. the weight of evidence against the defendant;

3 C. the history and characteristics of the defendant; and

4 D. the nature and seriousness of the danger to any person or the community.

5  
6 IV

7 The Court also has considered all the evidence adduced at the hearing and the  
8 arguments and/or statements of counsel, and the Pretrial Services  
9 Report/recommendation.

10  
11 V

12 The Court bases the foregoing finding(s) on the following:

13 DEFENDANT IS CURRENTLY SERVING A STATE PRISON SENTENCE.  
14 THE ISSUE OF BAIL IS MOOT.

15  
16 VI

17 A. ( ) The Court finds that a serious risk exists the defendant will:

18 1. ( ) obstruct or attempt to obstruct justice.

19 2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or  
20 juror.

21 B. The Court bases the foregoing finding(s) on the following:

22  
23 VI

24 A. IT IS THEREFORE ORDERED that the defendant be detained prior to  
25 trial.

26 B. IT IS FURTHER ORDERED that the defendant be committed to the  
27 custody of the Attorney General for confinement in a corrections facility  
28 separate, to the extent practicable, from persons awaiting or serving sentences

1 or being held in custody pending appeal.

2 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable  
3 opportunity for private consultation with counsel.

4 D. IT IS FURTHER ORDERED that, on order of a Court of the United  
5 States or on request of any attorney for the Government, the person in charge  
6 of the corrections facility in which defendant is confined deliver the defendant  
7 to a United States marshal for the purpose of an appearance in connection with  
8 a court proceeding.

9  
10 DATED: August 9, 2011

MARC L. GOLDMAN

11  
12 MARC L. GOLDMAN  
13 UNITED STATES MAGISTRATE JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28